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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,639	03/09/2004	Uwe DeWinter	8966.23	4744
21999	7590	09/11/2006	EXAMINER	
KIRTON AND MCCONKIE 60 EAST SOUTH TEMPLE, SUITE 1800 SALT LAKE CITY, UT 84111			BRADEN, SHAWN M	
			ART UNIT	PAPER NUMBER
			3727	

DATE MAILED: 09/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/797,639	DEWINTER, UWE
	<b>Examiner</b> Shawn M. Braden	<b>Art Unit</b> 3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-12 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 09 March 2004 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>06/28/2004</u> | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "130" has been used to designate "the lock", "the latch" and "a single latch". Also character "146" has been used to designate both "the stem", and "the shaft". Also character "142" has been used to designate both "the handle", "the unlatching handle", the main door handle", and "the single handle". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the

applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "locking tongues, keepers and an internal door release mechanism", must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

4. 35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms which are not clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose terms used in the specification are: reference character "130" has been used to designate "the lock", "the latch" and "a single latch". Also character "146" has been used to designate both "the stem", and "the shaft". Also character "142" has been used to designate both "the handle", "the unlatching handle", the main door handle", and "the single handle".

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 3 recites the limitation "the door frame" in line 5. There is insufficient antecedence for this limitation in the claim.

7. Claim 5 recites the limitation "the inside face" in line 3. There is insufficient antecedence for this limitation in the claim.

8. Claim 10 recites the limitation "the end face" in line 1. There is insufficient antecedence for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-3,8-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Woodruff (USPN 2,086,688).

With respect to claim 1, Woodruff shows a rectangular freight container having length width and height dimensions of a standard size, and two doors (10) at one end, the doors (10) being of the same height but with different width dimensions and extending to the floor of the container (fig. 1).

11. With respect to claim 2, Woodruff shows the larger door has a lock (12,15,16) which can be unlocked by operating a single lock handle (14).

12. With respect to claim 3, Woodruff shows the lock comprises a vertical locking bar (11) mounted for rotation about its own axis adjacent the opening edge of the door (10), keepers (13) at the top and bottom of the door frame to receive locking tongues (12) on the bar (11), and a lock handle (14) between the ends of the bar which can be turned to rotate the bar to free the tongues from the keepers.

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13. With respect to claim 8, Woodruff shows a security bar (14) can be locked between the two doors (10) to prevent operation of the single lock handle.
14. With respect to claim 9, Woodruff shows a customs seal (where the doors meet) can be applied to the security bar (col. 2 ln. 23).
15. With respect to claim 10, Woodruff shows the end face of the container has a door frame which is reinforced (9) to prevent skewing of the frame if it is resting on uneven ground (fig. 1).
16. With respect to claim 11, to the extent applicant claims Woodruff shows a refrigerated container.
17. With respect to claim 12, Woodruff shows the doors (10) extend the full height of the container so that when both doors (10) are opened, that end of the container is unobstructed to allow loading of the container (fig. 1).

***Claim Rejections - 35 USC § 103***

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 4,5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woodruff in view of Josephs (USPN 4,854,460).

Woodruff discloses the invention substantially as claimed. However Woodruff does not disclose the smaller door has locks which can only be operated from inside the container.

Josephs teaches an inside locking bar (130) in the same field of endeavor for the purpose of locking the container door.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to add a plurality of inside locks as taught by Josephs to the smaller door of Woodruff in order to further secure the doors of the container.

With respect to claim 5, Woodruff as combined above shows the locks for the smaller door have the same claimed structure and recitation of shoot bolts at the top and bottom corners of the inside face of the door.

19. Claims 6,7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woodruff in view of Spaeth (USPN 3,255,554).

Woodruff discloses the invention substantially as claimed. However Woodruff does not disclose the larger door has an internal door release mechanism .

Spaeth teaches a door has an internal door release mechanism (col. 3 ln. 25-30) in the same field of endeavor for the purpose of opening the door from the inside.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to add the capability of opening the cargo doors form the inside of

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the container as taught by Spaeth to the doors of Woodruff in order to enable one to open the doors from the inside of the container.

20. With respect to claim 7, Woodruff as combined above shows the internal door release mechanism acts from inside the container on an external door release mechanism.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawn M. Braden whose telephone number is (571)272-8026. The examiner can normally be reached on Mon-Thurs 8-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571 272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

smb



JES F. PASCUA  
PRIMARY EXAMINER